

# Catalyst for Battlefield Preservation

## The Civil War Sites Advisory Commission Study

**R**esponding to events concerning the Manassas National Battlefield Park in the late 1980s, then Secretary of the Interior Manuel Lujan, Jr., with the support of the U.S. Congress, established the American Battlefield Protection Program (ABPP) as part of the National Park Service in 1990.

In 1988, Hazel/Peterson Companies had submitted plans to Prince William County, Virginia, seeking approval to build a regional mall on 542 acres of land called the Williams Center Tract, which was next to the national park. Although the company's approved rezoning application showed residential development with a very limited retail component, Prince William County endorsed the regional mall plan. Many citizens, including members of the Save the Battlefield Coalition, were outraged because development of the Williams Center Tract would destroy lands associated with the 1862 Civil War battle known as Second Manassas or Second Bull Run. Opponents of the planned mall took their case to the American public and the U.S. Congress. Congress held hearings as Hazel/Peterson Companies set about developing the property. On November 10, 1988, President Ronald Reagan signed into law the act taking the land.

The United States government took immediate ownership of the land, and development of the mall ceased. Congress, as required by the Fifth Amendment of the Constitution, monetarily compensated the developer and its partners for already-incurred or anticipated future revenue losses. To date, U.S. taxpayers have spent nearly \$130 million to purchase the Williams Center Tract, which is now part of the Manassas National Battlefield Park. Although the federal government was able to protect these important

battlefield lands for the American public, most preservationists, Civil War historians, and members of Congress quickly acknowledged that, as a preservation strategy, last-minute federal acquisition is often too costly and divisive. As a result, they began looking for alternative strategies to protect America's hallowed ground.

The ABPP is one of these strategies.

Secretary of the Interior Lujan charged the program with promoting battlefield preservation through partnerships, early planning, education, and interpretation. Dr. Marilyn Nickels, the ABPP's first chief, focused on preserving 25 "At Risk" Civil War battlefields designated by the Secretary.

### *Legislation*

As the ABPP came into being, Senator Dale L. Bumpers of Arkansas and Congressman James R. Olin of Virginia proposed an act establishing a commission to conduct a comprehensive study of the nation's Civil War sites. Other senators and representatives joined them, and Secretary Lujan endorsed the study. Public Law 101-628, dated November 28, 1990, directed the Secretary to establish a Civil War Sites Advisory Commission (CWSAC) to conduct the study.<sup>1</sup> The law also authorized the Secretary of the Interior to conduct a separate study of Virginia's Shenandoah Valley Civil War sites, which was completed in 1992.<sup>2</sup> Through the Secretary of the Interior, the ABPP assumed responsibility for the Commission and Shenandoah Valley studies.

### *The Commission*

The Commission held its first meeting in Washington, DC, on July 17, 1991.<sup>3</sup> As the Commission drafted its charter and work plan, the National Park Service, in December 1991, decided to separate the Commission study from the ABPP so that the study could move on a fast-track. The Commission intended to complete the study within the two years stipulated in the law. Jan Townsend became the Project Manager for the study.<sup>4</sup> Dr. Marilyn Nickels and a small staff<sup>5</sup> continued the ABPP's primary mission of working with its partners to preserve the 25 Civil War battlefields targeted by the Secretary.

### *Study Methods*

The Civil War Sites Study Act of 1990 specifically directed the Commission to:

*Secretary of the Interior Manuel Lujan, Jr. speaking about battlefield preservation in Kansas City, Missouri, in October 1991. Photo courtesy CWSAC.*



- identify this nation's significant Civil War sites;
- establish the relative significance of these sites;
- determine their condition;
- assess the threats to that condition; and
- identify preservation alternatives that federal, state, and local governments and public and private organizations could use.

Uncounted numbers of sites are associated with the military, political, technological, and social aspects of the Civil War. Historians have documented approximately 10,500 Civil War military events alone. Given the time and funding constraints of the study and the circumstances that led to it, the Commission decided to focus its attention on principal military events and the battlefield lands associated with those events. The authoritative *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* served as the primary reference source. Civil War historians and State Historic Preservation Officers also helped identify principal military events. The Commission's final inventory consisted of 384 events in 26 states and included landscapes tied to these events.

Field investigators researched and mapped the 384 battle sites. They also recorded descriptive data about each site, assessed its overall integrity, and identified factors that would likely be threats to its long-term preservation. The field studies were cooperative efforts. Personnel in the National Park Service's Southeast, Southwest, Midwest, and National Capital regional offices and the Washington office coordinated the field studies. These personnel and more than 50 historians and archeologists based at national parks and in state historic preservation offices conducted most of the field investigations. At least 15 volunteers, many of whom were especially knowledgeable about local Civil War sites, also helped with the field investigations. To ensure consistency and streamlined site documentation, field investigators used documentation procedures and forms developed by Commission staff.

The Commission held 16 public meetings between July 1991 and July 1993 to solicit public comment on the subject of battlefield preservation. Meetings were held in different locations across the country, from Baton Rouge, Louisiana, to Gettysburg, Pennsylvania. More than 150 citizens including governors, State Historic Preservation Officers, park superintendents, academics, Civil War enthusiasts, property rights activists, battlefield landowners, and many others addressed the Commission. In conjunction with the public meetings, Commission members were able to visit more than 50 battle sites in person.

The Commission developed a ratings system to rank the military importance of the Civil War events (e.g., raid, skirmish, battle, etc.) associated with the 384 sites. The military importance rating (A, B, C, or D) was based on the importance of each event to the outcome of the war and the campaign. Using data provided by the field investigators, the Commission then assigned each site a value based on its condition (Good, Fair, Poor, or Lost) and the level of anticipated threats to that integrity (High, Moderate, or Low). In addition, the Commission assessed each site for its interpretive potential vis-a-vis a list of interpretive themes.

Finally, the Commission ranked the battlefields in terms of the need for preservation action. After some debate, the Commission concluded that three factors—military importance, condition, and threats—should be taken into consideration. Battlefields having a military importance rating of A or B, Good or Fair integrity, and High or Moderate threats became Priority I battlefields. By definition, these battlefields were in critical need of coordinated preservation action by the Year 2000. (See page 9.)

To address the issue of preservation alternatives, the Commission contracted with Elizabeth B. Waters, an expert in the fields of land use and community planning, economic development, and environmental protection. Waters focused on compiling open-space and land preservation techniques that could be used by federal, state, and local governments and federal and private entities. She directed four preservation workshops on behalf of the Commission that drew upon the expertise of more than 40 nationally recognized experts in the fields of land use policy, land use law, tax laws, open space preservation, local land use planning, historic preservation, negotiation and conflict resolution, heritage education, and farmland preservation. Waters' final report, "Civil War Heritage Preservation: A Study of Alternatives," is still in demand and applicable to the preservation of large historic, archeological, and open-space landscapes.<sup>6</sup>

#### *Civil War Sites Advisory Commission Report*

The Civil War Sites Advisory Commission delivered its report to Congress and the Secretary of the Interior on July 12, 1993.<sup>7</sup> That day, during a ceremony held in front of the Lincoln Memorial, the Commission presented its study results and recommendations to the American public. The ceremony received national press and television media coverage. In September 1993, Commission chair Holly Robinson and other members testified before the U.S. Senate Public Lands, National Parks, and Forests Subcommittee on the study's findings and recommendations.

## *Civil War Sites Advisory Commission's Priority I Battlefields*

<b>Alabama</b> Mobile Bay (includes Forts Morgan and Gaines)	<b>Corinth</b> Port Gibson Raymond Vicksburg	<b>Virginia</b> Boynton Plank Road Brandy Station Bristoe Station Cedar Creek Chaffin's Farm/New Market Heights Chancellorsville Cold Harbor First Kernstown Fisher's Hill Gaines' Mill Glendale Malvern Hill Mine Run North Anna Petersburg Second Deep Bottom Second Manassas Spotsylvania Court House White Oak Road Wilderness
<b>Arkansas</b> Prairie Grove	<b>Missouri</b> Fort Davidson Newtonia	
<b>Georgia</b> Allatoona Chickamauga Kennesaw Mountain Ringgold Gap	<b>New Mexico</b> Glorieta Pass	
<b>Kentucky</b> Mill Springs Perryville	<b>North Carolina</b> Bentonville	
<b>Louisiana</b> Port Hudson	<b>Oklahoma</b> Honey Springs	
<b>Maryland</b> Antietam Monocacy South Mountain	<b>Pennsylvania</b> Gettysburg	
<b>Mississippi</b> Brices Cross Roads Chickasaw Bayou	<b>South Carolina</b> Secessionville	
	<b>Tennessee</b> Chattanooga Fort Donelson Spring Hill	<b>West Virginia</b> Harpers Ferry Rich Mountain

The Commission's brief report eloquently explains why we should save Civil War sites; presents a snapshot of the nation's principal Civil War battlefields in terms of historical military importance, location, size, ownership, conditions, and threats; and discusses how battlefields are protected currently, including laws and public programs, park status, historic designation, interpretation, and public and private partnerships. The report also outlines how directed government leadership can better protect battlefields by focusing on preservation priorities, encouraging private sector preservation, helping local and state governments to preserve and to promote battlefields, giving private landowners preservation incentives and tools, and developing educational and heritage tourism programs. In addition, the Commission recommended steps that Congress and the Secretary of the Interior could take immediately. These steps included:

- adopting a national policy to protect principal battlefields and related sites through cooperative efforts of federal, state, and local governments and private groups and individuals;
- establishing an Emergency Civil War Battlefield Land Acquisition Program that would be a matching grant program funded for seven years at \$10 million per year;
- creating a Civil War Battlefield Stewardship Pilot Program that would permit the federal government to enter into long-term (seven

years) contractual agreements with private property owners to restore or maintain historic settings, provide interpretive access, and other preservation amenities (the Commission recommended funding the stewardship program at \$2.5 million per year);

- authorizing federal institutions to transfer important battlefield lands under their control to appropriate federal, state, or local government agencies or non-profit organizations;
- appropriating up to \$500,000 for a study of Civil War history themes that the National Park Service does not currently, but should, interpret;
- establishing an expedited Congressional review process for considering the expansion of currently authorized national park unit boundaries when immediate action is required and when the lands in question are being donated, are historically important, and are adjacent to the park boundaries;
- enacting specific revisions to the United States tax code to provide incentives and remove disincentives for private landowners to preserve significant battlefields; and
- authorizing the biennial reconstitution of the Commission for a brief period to review the progress made in battlefield preservation and report its findings to the Congress and the Secretary of the Interior.

On July 12, 1993, the ABPP adopted the Commission's Priority I battlefields as its own, expanding its priority list from 25 to 50 battlefields. The ABPP also adopted the Commission's findings and partnership recommendations. Pursuant to the legislation that created it, the Civil War Sites Advisory Commission disbanded on October 10, 1993, three months after the transmittal of its report. The Commission's former staff returned to their home in the ABPP.

With its many partners, the ABPP has helped enhance battlefield preservation at more than 90% of the Priority I battlefields.<sup>8</sup> Through cooperative agreements and grants, the ABPP has worked with more than 80 partners on 167 preservation projects at nearly 70 battlefields. The ABPP's promotion of preservation at the initial 25 battlefields and the Commission's public meetings and site visits led directly to the formation of many battlefield preservation organizations with whom the ABPP now works. The ABPP is currently considering how to re-evaluate the current preservation status of the original 384 Civil War sites in order to "graduate" many of the now-protected battlefields and raise others to Priority I status. Many pristine sites considered "safe" in 1993 are now threatened. For example, the Big Black River Bridge battlefield in Mississippi is now threatened by proposals to build gambling casinos in the area.

Although Congress appropriated funds for the ABPP beginning in 1990, it did not authorize the program. This past fall, Congress reconfirmed its commitment to battlefield preservation by authorizing the ABPP. The law states that:

The ABPP shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.<sup>9</sup>

In 1996, the ABPP expanded the scope of its programs. In addition to Civil War sites, the program has begun working with partners at battlefields associated with the French and Indian War, the American Revolution, the War of 1812, the Mexican War, and the Indian Wars. In early 1997, the Director of the National Park Service, on behalf of the Secretary of the Interior, tapped the ABPP to coordinate and administer the Revolutionary War and War of 1812 Historic Preservation Study. This study, authorized by Congress and the President in November 1996,<sup>10</sup> likely will be conducted as was the Civil War Sites Advisory Commission study. It is hoped that the new study will generate as much cooperative

preservation action at Revolutionary War and War of 1812 battlefields as its predecessor did for Civil War battlefields.

#### Notes

- <sup>1</sup> P.L. 101-628 authorized 13 Commission members. The number was raised to 15 in a later law, P.L. 101-166.
- <sup>2</sup> David W. Lowe, *Study of Civil War Sites in the Shenandoah Valley of Virginia*. Prepared pursuant to Public Law 101-628 (Washington, DC: U.S. Department of the Interior, NPS 1992).
- <sup>3</sup> In 1991, Commission members included historian Mary Frances Berry, documentary film maker Ken Burns, historian William J. Cooper, Jr., state legislator Frances "Peg" Lamont, businessman J. Roderick Heller III, U.S. Congressman Robert J. Mrazek, historian James M. McPherson, farm lobbyist Hyde H. Murray, and educator Holly A. Robinson. Historian Edwin C. Bearss represented the Director of the National Park Service. The members elected John Rodgers, Chair of the Advisory Council on Historic Preservation, to serve as chair. Shortly after that, Rodgers accepted another political appointment and left the Advisory Council. The members then elected Holly Robinson to be the Commission's chair. Robert D. Bush joined the Commission representing the Advisory Council. Howard Coffin, a free lance writer, and U.S. Congressman Charles H. Taylor joined the Commission in early 1992. Lawrence E. Aten of the National Park Service served as the Commission's Executive Director. By February 1992, the Commission's 14 members were in place, with the House of Representatives choosing not to appoint the fifteenth member.
- <sup>4</sup> Other Commission staff included former ABPP staff members Dale Floyd and David W. Lowe, and National Conference of State Historic Preservation Officers (NCSHPO) contractors Kathleen Madigan, Denice Dressel, and Booker T. Wilson III.
- <sup>5</sup> Maureen Foster and two NCSHPO contractors.
- <sup>6</sup> Elizabeth B. Waters, "Civil War Heritage Preservation: A Study of Alternatives." Prepared for the Civil War Sites Advisory Commission (Washington, DC: U.S. Department of the Interior, National Park Service, 1992).
- <sup>7</sup> Civil War Sites Advisory Commission, *Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields*. Prepared for the Committee on Energy and Natural Resources, United States Senate, the Committee on Natural Resources, United States House of Representatives, and the Secretary of the Interior (Washington, DC: U.S. Department of the Interior, National Park Service, 1993).
- <sup>8</sup> As of March 1997, preservation action has occurred at all but two of the 50 sites.
- <sup>9</sup> P.L. 104-333, § 604(b).
- <sup>10</sup> P.L. 104-333, § 603.

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